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Russian Federation

Fishery Products

Resolution on Rules for Disposal of Confiscated Valuable Fish and Products

2007

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Report Highlights:

On May 31, 2007, the Government of the Russian Federation issued Resolution #367, which sets rules for the sale and disposal of confiscated aquatic biological resources and processed products thereof, including caviar. The purpose of the new regulation is to curb rampant poaching of biologically valuable species, and to improve their reproduction in the natural habitat. A number of surveys conducted in the last decade show significant evidence of a decline in sturgeon production, and in some areas the population is nearing extinction.

Includes PSD Changes: No
Includes Trade Matrix: No
Trade Report
Moscow [RS1]
[RS]

Executive Summary

On May 31, 2007, the Government of the Russian Federation issued Resolution #367, which sets rules for the sale and disposal of illegally procured aquatic biological resources and processed products thereof, including caviar, which have been forfeited or confiscated.

The objective of the new regulation is to curb the rampant poaching of biologically valuable marine life and to improve reproduction in their natural habitat. Overfishing and the illegal global trade of caviar, along with habitat loss and pollution, have decimated sturgeon populations around the world. The most significantly affected area is the Caspian Sea, a natural source of most of the world's caviar. Researchers are concerned primarily with beluga sturgeon, whose population is estimated to have declined by more than 90 percent in the last 20 years. It is widely believed that the beluga sturgeon no longer reproduce in the wild.

A number of surveys conducted in the last decade provide evidence of the sturgeon's accelerating decline toward extinction. Some scientists predict that the entire stock of Caspian sturgeon will be wiped out within 15 years.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) exercised a 12-month ban on wild sturgeon caviar from the Caspian, but the general prohibition was lifted in January 2007, with a small quota for beluga announced in May. Its implementation remains controversial, as many experts believe that the ban was not effective against poaching, and actually bolstered the black market trade in beluga because of the ban's effect on prices. The daily Kommersant reports that, despite a 4-year ban on industrial production of caviar, the product can be found easily in Moscow stores. Kommersant also found that black caviar sold in Moscow stores was confiscated from poachers and sold by the government's Russian Property Committee through authorized companies. Resolution #367 bans this practice.

Total Allowable Catch for black caviar in Russia does not exist. However, about 15 government institutions and private companies are allowed to catch sturgeon in the volume of 100 tons for scientific and research purposes in exchange for reproduction of the fish. There are no official statistics on how much caviar is produced from this quota, although scientific and research institutions estimate that the amount is not more than 2-3 tons. However, 200-300 tons of black caviar is sold annually.

Informal Translation of Resolution #367

RULES FOR THE SALE AND DISPOSAL OF AQUATIC BIOLOGICAL RESOURCES AND
PROCESSED PRODUCTS THEREOF, WHICH HAVE BEEN FORFEITED OR CONFISCATED

Resolution #367 of the Government of the Russian Federation Dated May 31, 2007, Moscow

Measures to Implement Article 54 of the Federal Law "On fisheries and the preservation of aquatic biological resources"

For the purpose of implementing provisions of Article 54 of the Federal Law "On fisheries and the preservation of aquatic biological resources", the Government of the Russian Federation approves the following:

- Rules for the sale and disposal of aquatic biological resources and processed products thereof, which have been forfeited or confiscated;
- The list of aquatic biological resources and processed products thereof, which should be disposed of immediately, if their condition does not allow for their return to their habitat.

Chairman of the Government of the Russian Federation, M. Fradkov

Rules for the sale and disposal of aquatic biological resources and processed products thereof, which have been forfeited or confiscated

1. The current rules establish the procedure for the sale and disposal of the aquatic biological resources and processed products thereof, including caviar, which have been forfeited or confiscated.
2. On May 31, 2007, Resolution #367 of the Government of the Russian Federation officially approves the list of the aquatic biological resources and processed products thereof, which are subject to immediate disposal if their condition does not allow for their return to their habitat.
3. Officials from the Ministry of the Interior, the Federal Security Service, and the Federal Service for Veterinary and Phytosanitary Surveillance (hereafter referred to as authorized bodies) decide whether to return the forfeited biological resources to their natural habitat, or to dispose of the aquatic biological resources and processed products thereof, including caviar. The officials who discover the illegally procured aquatic biological resources while carrying out their authorized functions are responsible for making the decision. The authorized bodies shall approve the list of aforementioned officials.
4. Witnesses must be present for the return or disposal of the aquatic biological resources. If witnesses are not available, video recording shall be used, indicating the date and time of the video recording.
5. Regarding the return of the aquatic biological resources to their habitat (following a decision to that effect by the appropriate authorized body), the following information must be provided.
 - The types of aquatic biological resources
 - Their quantity
 - Location
 - Date and time of their returning into the habitat
 - Information about the witnesses (if they are available)

An official of the authorized body signs and stamps the document, which the witnesses and the party from whom the resources were confiscated must then also sign. If the party from whom the resources were confiscated refuses to sign the documents and/or refuses to be present when the aquatic biological resources are returned to their habitat, this must be noted in the certification documents.

6. The following information must be included with the documents certifying the disposal of the aquatic biological resources, mandated by a decision to that effect from the appropriate authorized body.
 - The types of the aquatic biological resources
 - Their quantity

- Location
- Date and time of their disposal
- Information about the witnesses (if they are available)

The official from the authorized body signs and stamps the documents, and the witnesses and the party from whom the resources were confiscated sign as well. If the party from whom the resources were confiscated refuses to sign the documents and/or refuses to be present when the aquatic biological resources are disposed of, an appropriate inscription is made in the act.

Any available technique may be used for the disposal of the aquatic biological resources and the products of their processing, including caviar, as long as it complies with the mandatory legislative requirements in the area of the environmental protection.

7. The confiscated aquatic biological resources and the products of their processing, including caviar, shall be handed over by the authorized bodies to the Russian Fund for Federal property, to be subsequently disposed of.
8. Forfeited or confiscated aquatic biological resources not listed among those which must be destroyed if unfit for return to the natural habitat, as well as the processed products thereof, including caviar, shall be handed over by the authorized bodies to the Russian Fund for Federal property, to be sold or disposed of.
9. These rules, except for numbers seven and eight, shall be also applied when the poacher is not identified.

The list of forfeited and confiscated aquatic biological resources, which are subject to immediate disposal if their condition does not allow for their return to their habitat

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| Sturgeon species |
| Acipenser schrenckii |
| Acipenser sturio |
| Acipenser persicus |
| Acipenser gueldenstaedtii |
| Acipenser medirostris |
| Acipenser baeri |
| Acipenser nudiiventris |
| Acipenser stellatus |
| Acipenser ruthenus |
| Huso huso |
| Huso Dauricus |
| Salmon species |
| Salmo salar |
| Tschawytscha Oncorhynchus |
| Oncorhynchus nerka |
| Oncorhynchus kisutch |
| Oncorhynchus keta |
| Oncorhynchus gorbuscha |
| Oncorhynchus masou |
| Salvelinus (all species) |
| Salmo (all species) |

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|-----------------------------------|
| Crabs and Species |
| Paralithodes camtschaticus |
| Paralithodes platypus |
| Paralithodes brevipes |
| Lithodes aequispinus |
| Chionoecetes bairdi |
| Chionoecetes opilio |
| Chionoecetes angulatus |
| Chionoecetes japonicus |
| Telmessus cheiragonus |
| Erimacrus isenbeckii |
| Shellfish |
| Patinopecten vessoensis |
| Echinoderms |
| Stichopus japonicus |
| Strongylocentrotus intermedius |
| Strongylocentrotus nudus |
| Strongylocentrotus droebachiensis |